

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED DECLARATION AND POWER OF ATTORNEY  
IN CONTINUATION-IN-PART APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We verily believe that we are the original, first and joint inventors of the improvement in **GENE TRANSFER FOR STUDYING AND TREATING A CONNECTIVE TISSUE OF A MAMMALIAN HOST** described and claimed in Application Serial No. 08/924,777, filed September 5, 1997; that this application in part discloses and claims subject matter disclosed in our earlier filed application Serial No. 08/381,603, filed January 27, 1995; that as to both applications, we have reviewed and understood the contents of them including the claims; that we acknowledge our duty to disclose to the United States Patent and Trademark Office information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56; that, as to the subject matter of this application which is common to said earlier application, we do not know and do not believe that the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to said earlier application; and that no application for patent or inventor's certificate on said invention has been filed by us or our representatives or assigns in any country foreign to the United States of America, except as follows: Canadian Appln. No. 2,211,833; Japanese Appln. No. 8-523081; and European Appln. No. 96905338.8, all filed January 25, 1996; that as to the subject matter of this application which is not common to said earlier application, that we have reviewed and understood the contents of the specification, including the claims; and as to the subject matter of this application which discloses and claims subject matter in addition to that disclosed in the prior co-pending

application, we acknowledge the duty to disclose material information as defined in 37. CFR §1.56(a) which became available between the filing date of the prior application and the filing date of this application; we do not know and do not believe that the same was ever known or used in the United States of America before our invention thereof or patented or described in any printed publication in any country before our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject matter of an inventor's certificate issued in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to the date of this application; and that no application for patent or inventor's certificate on said invention has been filed by us or our representatives or assigns in any country foreign to the United States of America except as follows: NONE.

We hereby appoint Walter J. Blenko, Jr., Registration No. 18,526; Arnold B. Silverman, Registration No. 22,614; Richard V. Westerhoff, Registration No. 24,454; David W. Brownlee, Registration No. 24,464; Lewis F. Gould, Jr., Registration No. 25,057; Daniel C. Abeles, Registration No. 25,822; Stephan P. Gribok, Registration No. 29,643; Frederick A. Tecce, Registration No. 32,065; Alan G. Towner, Registration No. 32,949; David V. Radack, Registration No. 33,442; Samuel W. Apicelli, Registration No. 36,427; Kirk D. Houser, Registration No. 37,357; Richard P. Gilly, Registration No. 37,630; Diane R. Meyers, Registration No. 38,968; Daniel S. Goldberg, Registration No. 39,689; Thomas S. Deibert, Registration No. 40,984; and Benjamin T. Queen, II, Registration No. 41,260, as our attorneys or agents in this matter with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises as fully and to all intents and purposes as we could do.

Please direct all communications to **Diane R. Meyers, Eckert Seamans Cherin & Mellott, LLC, 600 Grant Street, Forty-second Floor, Pittsburgh, Pennsylvania 15219, (412) 566-6000.**

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO/TITLE
08/924,777	09/05/1997	JOSEPH C. GLORIOSO	109070111

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Date Mailed: 09/06/2000

## NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/24/2000.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

[illegible]

TOWNSEND & TOWNSEND  
GREY

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ATTORNEY/APPLICANT COPY